

REMARKS

The Office Action dated March 1, 2004 has been received and carefully considered. In this response, the specification and claims 1-4, 7, 8, 10, 11-14, 20-24, 27, 28, 30-32, 34, 40-42 and 49 have been amended and claims 5, 6, 25 and 26 have been cancelled without prejudice. Support for the amendments to the specification and the claims may be found in the specification and figures as originally filed. The amendments to the claims were made to improve their clarity and readability and were not made to differentiate the claimed invention from the prior art. Entry of the amendments to the specification and the claims therefore is respectfully requested. Reconsideration of the outstanding objections and rejections in the present application is further respectfully requested based on the following remarks.

The Objection to the Specification

At page 2 of the Office Action, the specification was objected to for using allegedly inconsistent descriptions of Figures 39-42. The Applicants have amended the specification in view of the Examiner's remarks. The Applicants therefore respectfully request that this objection be withdrawn.

The Written Description Rejection of Claims 1-40 and 42-49

At page 2 of the Office Action, claims 1-40 and 42-49 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is hereby respectfully traversed.

With respect to claims 1, 20, 21 and 40, the Examiner asserts that "it is not fully disclosed as to what is intended to be the claimed unknown set of transport characteristics in the disclosure . . . It is also unclear as to what each of an 'acquisition routine' and 'system' is referring to." Office Action, p. 3. In response to the Examiner's remarks, the Applicants have amended the claims to remove reference to the term "system," thereby removing any ambiguities allegedly presented by the use of this term. Moreover, claims 1 and 21 have been amended to more clearly describe the acquisition routine and its purpose. Specifically, claim 1 has been amended to recite the limitations of identifying characteristic values using a transport stream acquisition routine that iteratively selects a combination of characteristic values from a plurality of possible

combinations of characteristic values to determine a combination of characteristic values for unknown transport characteristics that enables synchronization to a transport stream. Claim 21 has been similarly amended. The Applicants submit that these amendments adequately define the limitations of a transport stream acquisition routine, that is, a routine that iteratively selects a combination of characteristic values from a plurality of combinations of characterization values to determine a combination of characteristic values for the unknown transport characteristics that enables synchronization to the transport stream as recited in claims 1 and 21. The Applicants further submit that, contrary to the Examiner's suggestion, claims 20 and 40 did not recite such a routine.

With respect to the Examiner's assertions that it is not fully disclosed as to what is intended to be the claimed unknown set of transport characteristics in the disclosure, the Applicants note that claims 1 and 21 have been amended to recite the limitations of unknown transport characteristics representable by characteristic values. It is respectfully submitted that the plain and ordinary meaning of the term "transport characteristic" and the disclosure of the present application adequately indicates that which is a transport characteristic. From the ordinary meanings of the individual terms "transport" and "characteristic," the term "transport characteristic" would be understood by one of ordinary skill in the art to comprise a characteristic related to the transport of the transport stream. The teachings of the present application are consistent with this ordinary meaning and further provide exemplary embodiments of transport characteristics, such as, for example, the polarity of control signals, data ordering or bit polarity, or whether the clock signal latches on a rising or falling edge. *See, e.g.,* the present application, p. 54, lines 3-26. Thus, in view of the ordinary meaning of the term "transport characteristic" in the context of the claims and in view of the teachings of the present application, one of ordinary skill in the art would have possession of the claimed invention.

In view of the foregoing, it is respectfully submitted that the written description rejection of the claims is improper at this time and withdrawal of this rejection therefore is respectfully requested.

The Indefinite Rejection of Claims 1-49

At page 3 of the Office Action, claims 1-40 and 42-49 were rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. This

rejection is hereby respectfully traversed.

With respect to claims 1, 20, 21 and 40, the Examiner objects to the term “system.” The Applicants have amended the claims to remove reference to this term. With respect to claim 1, the Examiner asserts that “it is unclear as to what a transport stream acquisition routine is referring to and what is intended to be the claim limitation of such routine.” Office Action, p. 3. As noted above, the Applicants have amended claims 1 and 21 to more clearly define the claim limitations of the transport stream acquisition routine. Moreover, one of ordinary skill in the art will recognize that a routine is a procedure or a set of steps or processes, so a “transport stream acquisition routine” would be understood to be a procedure or set of steps or processes related to acquiring a transport stream. As disclosed at page 57, lines 15 to page 58, line 5 of the present application, such a routine “may be implemented in hardware and/or software,” the implementation of which would be appreciated by one of ordinary skill in the art using the teachings provided by the present application. Accordingly, the Applicants respectfully submit that claims 1 and 21 particularly point out and distinctly claim the subject matter regarded as the present invention.

The Examiner further remarks, with respect to claims 1, 20, 21 and 40, that “a transport stream cannot synchronize to itself.” The Applicants note that claims 1, 20, 21 and 40 do not recite a transport stream that synchronizes to itself, nor is such a reading implied or inherent. One of ordinary skill in the art will understand that a device, apparatus or system, etc., synchronizes to the transport stream. The recitation of this inherent and obvious aspect in the claims is unnecessary to particularly point out and distinctly claim the subject matter of the present invention.

The Examiner objects to claim 41 as being “unclear as to based on what, the data stream is determined to be a valid transport stream.” Office Action, p. 3. Claim 41 has been amended to recite the limitations of assuming as the set of characteristics a different set of characteristics and repeating the steps of receiving the data and determining until reception of a transport stream is verified based at least in part on the data stream. The intent of these limitations are clear from the context of the claim and from the teachings of the specification (*see, e.g.*, page 56, lines 1-10).

The Examiner objected to claims 14, 27, 34 and 41 for various informalities. The

Applicants have amended these claims in view of the Examiner's remarks.

In view of the foregoing, it is respectfully submitted that the indefinite rejection of claims 1-49 is improper at this time and the withdrawal of this rejection therefore is respectfully requested.

Conclusion:

It is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

July 1, 2004
Date

Ryan S. Davidson, Reg. No. 51,596,
On Behalf Of
J. Gustav Larson, Reg. No. 39,263,
Attorney for Applicant(s)
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)